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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,153	12/14/2001	Steven W. Lundberg	684.001US2	5885

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EXAMINER	
KALINOWSKI, ALEXANDER G	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,153	LUNDBERG, STEVEN W.	
	Examiner	Art Unit	
	Alexander Kalinowski	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-293* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *51-293* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413)

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 52 and 83 directed to the generic feature of at least some instances based at least in part on which of the clients the out of pocket payment is incurred for.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 114 is generic.

In addition, claims 52, 83 and 114 are also subject to an election requirement.

a. With respect to claim 52, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 58 and 59 directed to the generic feature of specifying out of pocket costs to be paid;

and

claims 60 and 61 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 52 is generic.

b. With respect to claim 83, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 89 and 90 directed to the generic feature of specifying out of pocket costs to be paid;

and

claims 91 and 92 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 83 is generic.

c. With respect to claim 114, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 119 and 120 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 52 is generic.

2. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 68 and 99 directed to the generic feature of at least some instances based at least in part on which of the clients the out of pocket payment is incurred for.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 127 is generic.

In addition, claims 68, 99 and 127 are also subject to an election requirement.

d. With respect to claim 68, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 76 and 77 directed to the generic feature of wherein the expense id determined.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 74 is generic.

e. With respect to claim 99, the claim includes claims directed to the following patentably distinct species of the claimed invention:

.claims 76 and 77 directed to the generic feature of wherein the expense is determined.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 99 is generic.

f. With respect to claim 127, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 128-130 directed to the generic feature of wherein the account is;

and

claims 135 and 136 directed to the generic feature of wherein substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 127 is generic.

3. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 145 and 147 directed to the generic feature of wherein the attribute is.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 142 is generic.

4. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 163-165 directed to the generic feature of wherein the fee determination information is.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 155 is generic.

5. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 166 and 197 directed to the generic feature of at least some instances based at least in part on which of the clients the out of pocket payment is incurred for.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 228 is generic.

In addition, claims 166, 197, and 228 are also subject to an election requirement.

g. With respect to claim 166, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 172 and 173 directed to the generic feature of specifying out of pocket costs to be paid;

and

claims 174 and 175 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 166 is generic.

h. With respect to claim 197, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 203 and 204 directed to the generic feature of specifying out of pocket costs to be paid;

and

claims 205 and 206 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 197 is generic.

i. With respect to claim 228, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 231 and 232 directed to the generic feature of specifying out of pocket costs to be paid;

and

claims 233 and 234 directed to the generic feature of substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 228 is generic.

6. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 182 and 213 directed to the generic feature of at least some instances based at least in part on which of the clients the out of pocket payment is incurred for.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 241 is generic.

In addition, claims 182, 213, 241 are also subject to an election requirement.

j. With respect to claim 182, the claim includes claims directed to the following patentably distinct species of the claimed invention:
claims 189 and 191 directed to the generic feature of wherein the expense is determined.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 188 is generic.

k. With respect to claim 213, the claim includes claims directed to the following patentably distinct species of the claimed invention:
.claims 221 and 222 directed to the generic feature of wherein the expense is determined.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 213 is generic.

l. With respect to claim 241, the claim includes claims directed to the following patentably distinct species of the claimed invention:

claims 249 and 250 directed to the generic feature of wherein substantially at the same time.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 241 is generic.

7. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 259 and 261 directed to the generic feature of wherein the attribute is.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 256 is generic.

8. This application contains claims directed to the following patentably distinct species of the claimed invention: claims 277-279 directed to the generic feature of wherein the fee determination information is.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 269 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

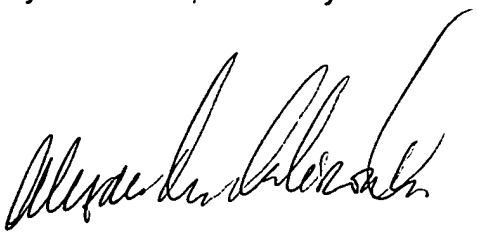
Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax

telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Primary Examiner

Art Unit 3626

11/29/2004